
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

THEODORE ROOSEVELT ARTHUR,

Plaintiff,

versus

MS. HODGES, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:16-CV-222

MEMORANDUM OPINION AND ORDER

Plaintiff, Theodore Roosevelt Arthur, an inmate confined at the Larry Gist Unit, with the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against several defendants.

The court referred this matter to the Honorable Keith Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends this action be dismissed as repetitious of the complaint filed in Civil Action No. 1:16cv220.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, and pleadings. Plaintiff filed objections to the Magistrate Judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b).

After careful consideration, the court finds plaintiff's objections are without merit. Plaintiff merely suggests the cases should be treated separately as they were filed separately in the Northern District of Texas and transferred separately by the Northern District to the Eastern

District of Texas, Beaumont Division. The Northern District of Texas transferred the cases based on venue alone. Plaintiff offers no other explanation as to how the two cases are dissimilar. A separate review by this court reveals the two cases are identical in form and substance. Civil Action 1:16cv220 is still pending in the Eastern District of Texas, Beaumont Division.

ORDER

Accordingly, the objections of the plaintiff are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

SIGNED at Beaumont, Texas, this 21st day of December, 2016.

A handwritten signature in cursive script, reading "Marcia A. Crone", is positioned above a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE